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ATTORNEYS FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

1ST MEDIA LLC, Plaintiff, v. NAPSTER, INC., REALNETWORKS, INC., KSOLO, INC. and SLEP-TONE ENTERTAINMENT CORPORATION d/b/a SOUND CHOICE ACCOMPANIMENT TRACKS, Defendants.	CIVIL ACTION NO. 2:07-cv-00056-LDG-GWF **PLAINTIFF 1ST MEDIA LLC'S MOTION TO STRIKE**

Plaintiff, 1ST MEDIA LLC ("1st Media"), by and through its counsel of record, HUTCHISON & STEFFEN, LLC, hereby moves this Court for an Order striking the August 31, 2007 letter (and its attachments) submitted to the Court by SLEP-TONE ENTERTAINMENT CORPORATION d/b/a SOUND CHOICE ACCOPANIMENT TRACKS ("Sound Choice").

1. STATEMENT OF FACTS

On June 12, 2007, the Clerk entered default against Sound Choice after it repeatedly failed to appear and answer 1st Media's January 16, 2007 Complaint. 1st Media subsequently filed a Motion for Default Judgment, which awaits Court action.

On August 31, 2007 — nearly five weeks after 1st Media filed the Default Motion — Sound Choice mailed to the Court a letter and attachments (thirty pages, collectively), ostensibly as its Response. The letter makes clear that Sound Choice will not retain legal counsel and will not answer the Complaint; yet, through the letter, Sound Choice proffers certain past correspondence and related materials for the Court's consideration when deciding the default judgment issue.

The Court apparently filed the Sound Choice letter and attachments on Sound Choice's behalf on September 10, 2007. The Sound Choice letter and attachments is characterized as "Response to Motion for Default Judgment" on the Court's Docket (Entry No. 58).

2. ARGUMENT AND AUTHORITIES

It is well-settled that a corporation cannot appear in federal court *pro se*; it must appear through licensed counsel. *Rowland v. California Men's Colony*, 506 U.S. 194, 202-203 (1993); *In re Highley*, 459 F.2d 554, 555 (9th Cir. 1972) (stating that "[a] corporation can appear in a court proceeding only through an attorney at law"); *United States v. High Country Broadcasting Co.*, 3 F.3d 1244, 1245 (9th Cir. 1993) (same). The belatedness of Sound Choice's filing aside, Sound Choice's appearance in this action without legal counsel for purposes of opposing entry of the requested default judgment is improper, and its purported Response to 1st Media's Motion should be struck.

/ / /

3. CONCLUSION

For the foregoing reasons, 1st Media respectfully asks the Court to strike Sound Choice's August 31, 2007 letter (and its attachments) which was submitted improperly *pro se* and filed of record on September 10, 2007.

DATED this 11th day of September, 2007.

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1ST MEDIA LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 12th day of September, 2007 the foregoing **PLAINTIFF 1ST MEDIA LLC'S MOTION TO STRIKE** was filed electronically with the Clerk of the Court using the CM/ECF system and a true and correct copy of this document was provided to the following party via U.S. mail and facsimile transmission:

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Defendant

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